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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Art Unit: 2443

Applicant argues that Nguyen et al., as modified by Ehrhardt et al., does not disclose a protocol tester as in Claim 17.

Examiner respectfully disagrees. Nguyen et al., as modified by Ehrhardt et al., teaches a system and method comprising a protocol test ((A method of setting up a communication procedure between instances, one of which is a protocol tester that uses the method, includes the steps of selecting the instances, selecting a protocol layer for the communication procedure, selecting abstract communication interfaces for the protocol layer ...) Ehrhardt et al., abstract).

Applicant argues that Nguyen et al., as modified by Ehrhardt et al., fails to disclose creating the claimed configuration file as in Claims 17 and 29.

Examiner respectfully disagrees. Nguyen et al., as modified by Ehrhardt et al., teaches a system and method comprising a method of creating a script file (read as a configuration file) ("When a code that may be executed is created, there are three interacting components. First the GUI stores the selected parameters, in particular the communication sequence, in an internal structure. Then a compiler translates the selected parameters into temporary files. Finally a linker reads the temporary files and converts them into the selected interpreter script language, such as ANS Forth. During this process the communication procedure as defined by the user is written into a script file.) Ehrhardt et al., paragraph 0023).

Applicant argues that Nguyen et al., as modified by Ehrhardt et al., Nguyen fails to teach the elements of the claimed configuration file as in Claims 17 and 29.

.Examiner respectfully disagrees. Nguyen et al., as modified by Ehrhardt et al., teaches a system and method comprising a method of creating a script file (read as a configuration file), and associated name, symbol, and type ("When a code that may be executed is created, there are three interacting components. First the GUI stores the selected parameters, in particular the communication sequence, in an internal structure. Then a compiler translates the selected parameters into temporary files. Finally a linker reads the temporary files and converts them into the selected interpreter script language, such as ANS Forth. During this process the communication procedure as

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defined by the user is written into a script file.) Ehrhardt et al., paragraph 0023 ("FIG. 1 shows a graphical user interface (GUI) 10 that allows in a first step graphically selecting instances taking part in a communication procedure. Graphical selection in connection means that a symbol or a text proposal is shown graphically on the GUI, such as on a personal computer (PC) screen, and may be selected by simple activation, i.e., by clicking on it with a "mouse." One of the instances is a protocol tester on which the method as described herein is made available, with the protocol tester in the present case emulating a component, TC.sub.--1. Using two buttons, "Add" 12 and "Delete" 14, a user may add further instances or delete instances listed. In a field 16 the compilation of instances is listed, while in another field 18 the compilation is shown as a diagram. In another field 19 the name of the instance may be selected, and in a further field 20 the instance type is shown. Two buttons, "Back" 22 and "Next" 24, allow the user to move from one level of the definition of the communication procedure to the next, both in the direction of more detailed specifications and in the direction of higher-level presentations. A "Cancel" button 26 allows leaving a level, meaning that the changes made are reset. A "Help" button 28 offers the user further support.") Ehrhardt et al., paragraph 0014).

Applicant argues that Nguyen et al., as modified by Ehrhardt et al., fails to teach selecting abstract communication interfaces as in Claims 17 and 29.

Examiner respectfully disagrees. Nguyen et al., as modified by Ehrhardt et al., teaches a system and method comprising a method of presenting a GUI wherein function selection is made in a protocol tester ("FIG. 1 shows a graphical user interface (GUI) 10 that allows in a first step graphically selecting instances taking part in a communication procedure. Graphical selection in connection means that a symbol or a text proposal is shown graphically on the GUI, such as on a personal computer (PC) screen, and may be selected by simple activation, i.e., by clicking on it with a "mouse." One of the instances is a protocol tester on which the method as described herein is made available, with the protocol tester in the present case emulating a component, TC.sub.--1. Using two buttons, "Add" 12 and "Delete" 14, a user may add further instances or delete instances listed. In a field 16 the compilation of instances is listed, while in another field 18 the compilation is shown as a diagram. In another field 19 the name of the instance may be selected, and in a further field 20 the instance type is shown. Two buttons, "Back" 22 and "Next" 24, allow the user to move from one level of the definition of the communication procedure to the next, both in the direction of more detailed specifications and in the direction of higher-level presentations. A "Cancel" button 26 allows leaving a level, meaning that the changes made are reset. A "Help" button 28 offers the user further support.") Ehrhardt et al., paragraph 0014).

Applicant argues that the proposed combination of Nguyen and Ehrhardt is neither obvious nor predictable.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

/George C Neurauter, Jr./

Primary Examiner, Art Unit 2443